

FCC MAIL SECTION

DEC 5 8 16 AM '96

DA 96-1989

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DISPATCHED BY

In the Matter of

Amendment of Part 25 of the Commission's
Rules to Establish Rules and Policies
Pertaining to the Second Processing Round
of the Non-Voice, Non-Geostationary
Mobile Satellite Service

IB Docket No. 96-220

ORDER

Adopted: November 27, 1996

Released: November 27, 1996

By the Chief, International Bureau:

1. On October 29, 1996, the Commission released a Notice of Proposed Rulemaking ("Notice")¹ proposing rules and policies to govern the non-voice, non-geostationary satellite ("Little LEO") service. The Notice required comments to be filed on or before November 29, 1996 and reply comments and amended applications to be filed on or before December 16, 1996 so that the Commission could proceed to licensing in the early part of 1997 and the public could receive service as soon as possible. Seven of the eight applicants in this proceeding² have filed a joint request³ seeking more time to file comments and amended applications. Leo One USA Corporation ("Leo One USA") has opposed the Joint Request.⁴

¹ Amendment of Part 25 of the Commission's Rules to Establish Rules and Policies Pertaining to the Second Processing Round of the Non-Voice, Non-Geostationary Mobile Satellite Service, Notice of Proposed Rulemaking, IB Docket No. 96-220, FCC 96-426 (released October 29, 1996).

² The seven applicants include CTA Commercial Systems ("CTA"), E-Sat, Inc. ("E-Sat"), Final Analysis Communication Services ("Final Analysis"), GE American Communications, Inc. ("GE Americom"), Orbital Communications Corporation ("Orbcomm"), Starsys Global Positioning, Inc. ("Starsys"), and Volunteers in Technical Assistance ("VITA") (the "Applicants").

³ CTA Commercial Systems et al., Joint Request for Extension of Time, IB Docket No. 96-220 (filed November 21, 1996) ("Joint Request").

⁴ Leo One USA Corporation, Opposition to Joint Request for Extension of Time, IB Docket No. 96-220 (filed November 22, 1996).


2. In their Joint Request, the Applicants seek to extend the filing deadline for comments to December 20, 1996, reply comments to January 13, 1997, and amended applications to January 27, 1997. The Applicants argue that the technical, licensing, and auction issues posed in the Notice are complex. In addition, they state they are pursuing industry solutions that may result in the avoidance of mutual exclusivity and the extension of time will allow them to investigate possible solutions and avoid wasted effort. The Applicants also claim that the requested extension of time would assist them in formulating more meaningful and realistic amendments in view of all of the comments of the parties to this proceeding.

3. In its Opposition to the Joint Request, Leo One USA claims that: the rulemaking will need to proceed regardless of whether the parties come to an understanding; no new proposals will be forthcoming from the delay; grant of an extension of time is not a prerequisite to obtaining a settlement; delay in filing the amendments could be detrimental to the interests of the United States at the ITU by delaying Appendix 3 filings; and delay could impact the U.S. position at the ITU Conference Preparatory Meeting.

4. Although it is our intent to license these systems quickly, the approximate one-month extension of time requested by the Applicants is reasonable given the complexity of the proposals and the efforts of the Applicants to resolve the issues presented in the Notice. We do not disagree with Leo One USA that the rulemaking will need to proceed regardless of a settlement and an extension of time is not a prerequisite for settlement. However, if applicants are able to reach a resolution, the proceeding would be facilitated by allowing the applicants to propose any necessary technical or licensing proposals as a part of their comments. Additional time will allow applicants to explore their options, make any necessary proposals during the comment period, and with a more complete record, better assist the Commission in timely concluding this proceeding. We recognize that an extension of time is not a guarantee that the applicants will reach a resolution. However, when seven of eight applicants claim they are working towards a resolution and that some additional time in which to file comments on the proposed rules will facilitate these efforts, we are disposed to act favorably on the request. Finally, Leo One USA argues that the U.S. Appendix 3 filings and U.S. participation in the ITU Conference Preparatory Meeting will be affected by the delay. We do not believe a one-month extension will have a substantial negative effect on Appendix 3 filings or U.S. participation at the ITU meeting.

5. Accordingly, pursuant to Section 0.261 of the Commission's rules on delegation of authority, IT IS ORDERED, that the pleading cycle in this proceeding is EXTENDED as requested in the Joint Request for Extension of Time noted above.

FEDERAL COMMUNICATIONS COMMISSION



Donald H. Gips
Chief, International Bureau